

IN SENATE OF THE UNITED STATES.

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JUNE 18, 1836.

Read, and ordered to be printed.

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Mr. LEIGH made the following

REPORT,

WITH SENATE BILL NO. 303.

*The Committee on Revolutionary Claims, to which were referred the petitions of the heirs of Margaret Leitch, deceased, and of the heirs of Elizabeth Goodwin, deceased, reports:*

That, by an act of Congress approved the 30th June, 1834, entitled "An act for the relief of the legal representatives of Lucy Bond, Hannah Douglass, Elizabeth Goodwin, and Margaret Leitch," it was provided and enacted that there should be allowed and paid to the legal representatives of Margaret Leitch, widow of Major Andrew Leitch, a major in the army of the Revolution, who died in the service on the 15th September, 1776, and to the legal representatives of Elizabeth Goodwin, deceased, widow of Captain Nathaniel Goodwin, deceased, a captain in the army of the Revolution, who died in service on the 1st May, 1777, the seven years' half pay of said officers, respectively, to which their widows and children were entitled by the resolution of Congress of the 24th August, 1780; and the same was accordingly allowed and paid to the petitioners respectively. And they now pray that interest on the amounts thus allowed them respectively, may be allowed and paid to them.

1. It appears that the children of Major Leitch made application to Congress for the seven years' half pay provided by the resolution of Congress of the 24th of August, 1780, for the families of officers killed or dying in the service, at the session of 1790, '91; and the service, rank, and death of Major Leitch in the service in 1776 being fully proved, and the then Secretary of War, General Knox, having made a report favorable to the claim, the House of Representatives passed a bill providing for this claim, among others of the same kind, at the ensuing session of 1791, '92; but the provision for this claim was struck out of the bill by the Senate, and thus failed, on the 28th March, 1792. The claim was probably rejected, either on the ground that the act of limitations (as it is called) was a bar to it, or because, in the opinion of the Senate, the resolution of the 24th August, 1780, did not embrace the case of officers dying in the service at the time when Major Leitch was killed. If the

latter was the ground of rejection of the claim, the committee concurs in the opinion of General Knox, that the resolution of August, 1780, did apply to and embrace the case, and that the claim ought then in justice to have been allowed and paid. And, besides, the widow and children of Major Leitch, who was an officer of the Virginia continental line, were entitled to this allowance of seven years' half pay, under an act of Assembly of Virginia, passed in October, 1779; and the claim, in this particular, rested on the like ground as that of the widow and children of Captain Megginson, in which this committee has made a report at the present session, to which it begs leave to refer. If the claim was rejected in 1792, because it was barred by the act of limitation, all the recent legislation of Congress in reference to revolutionary claims of this kind, has proceeded on the principle that the act of limitations ought not to have been applied to them. The committee is, therefore, of opinion, that interest ought to be allowed to the representatives of Major Leitch's widow, on the amount of seven years' half pay, from the 28th March, 1792, (at which time the claim for the principal was presented and proved, and ought in justice to have been allowed and paid,) until the principal was paid.

2. It appears that the widow of Captain Goodwin made application to the Legislature of Connecticut, for the seven years' half pay of her husband, Captain Goodwin, in May 1786, and that the lower House resolved that the claim ought to be allowed, but the upper House rejected it; and that the representatives of Mrs. Goodwin, the widow, made application to Congress at the session of 1809 and '10, and the Committee of Claims of the House of Representatives, to which it was referred, was discharged from the further consideration of it. It does not appear why it was rejected by the upper House of the Legislature of Connecticut, in 1786; whether it was so rejected because the facts on which it was founded were not proved, or because it was thought to be unfounded in law. But when the claim was preferred to Congress, at the session of 1809 and '10, the service, rank, and death, of Captain Goodwin in the service, in May, 1777, were clearly proved; and as, in the opinion of this committee, the resolution of Congress of the 24th August, 1780, applies to and embraces the case, so the committee is of opinion that the claim ought in justice to have been allowed at that session of Congress. The committee, therefore, thinks that interest ought to be allowed the petitioners in this case, on the amount of the seven years' half pay, from the end of the session of Congress of 1809, '10, (when the claim was presented and proved, and ought in justice to have been allowed and paid,) until the principal was paid.

And the committee accordingly reports a bill for the relief of the petitioners respectively.